

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

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J&S WELDING INC.,

Plaintiff,

v.

Case No.

LIBERTY MUTUAL INSURANCE COMPANY

1:22-cv-01122

and WEST AMERICAN INSURANCE

COMPANY,

Defendants.

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DEPOSITION OF BEAU EDDINGS AS  
30(B)(6) CORPORATE REPRESENTATIVE FOR  
J&S WELDING INC.

DATE: Friday, March 24, 2023

TIME: 11:26 a.m.

LOCATION: Nathan Pride Law Offices  
423 North Highland Avenue  
Jackson, TN 38301

REPORTED BY: Robin Luttrell

Job No. CS5800295

Exhibit 2

1           Q     As I understand it from the complaint, the  
2     insured premises is the property located at 2579 North  
3     Avenue, Humboldt --

4           A     9th Avenue.

5           Q     I'm sorry. North 9th Avenue, Humboldt; is  
6     that right?

7           A     Correct.

8           Q     It says, "Humboldt, Trenton, Tennessee." It  
9     should say, "Humboldt, Tennessee"; right?

10          A     That is wrong. Yes. You are correct, that  
11     Trenton has nothing to do with it.

12          Q     And 2579 North 9th Avenue is these two  
13     buildings you told me about earlier; right? That's  
14     that address?

15          A     Correct. Correct.

16          Q     King Tire has a different address; is that  
17     right? All right. The next page, it says -- I just  
18     want to give you some context here -- it says, "On or  
19     about August 21, 2020, a storm caused severe hail and  
20     wind damage to the exterior and interior finishes of  
21     the Insured Premises."

22                 So, the allegation is that on August 21,  
23     2020, a storm occurred and y'all had damage. And  
24     you're shaking your head no.

1 A Wrong. That is not right.

2 Q Okay. What's wrong with that?

3 A It was May 4th.

4 Q How do you know that?

5 A 'Cause it tore up the whole town.

6 Q All right. So, did a tornado come through  
7 or was it just --

8 A Just a super bad storm that was full of hail  
9 and got everybody in town, honestly.

10 Q Okay. What does this August 21st date mean  
11 to you? Was there another storm that day, to your  
12 knowledge?

13 A Yeah. There was in early fall, late summer,  
14 there were some storms. But there was a drought  
15 between spring and then, and we had, like, 2 1/2, 3  
16 months of no rain. So, I do remember when we started  
17 getting rain again, it was pretty good rain and that  
18 it was a storm.

19 Q Okay. I understand.

20 A That's pretty well when all of the leaks  
21 showed up.

22 Q All right. So, is it your testimony that in  
23 the complaint, Paragraph 11, it should, instead of  
24 saying August 21, 2020, it should say May 4, 2020?

1           A     Correct.

2           Q     Or should it say both May 4th and August  
3     21st?

4                     MR. BERKLEY: That's probably a lawyer  
5     question. It wasn't his question, is what the  
6     complaint should say. That's probably legal opinion.  
7     I don't know if he can answer that.

8           A     Should it? I don't know how to answer it, I  
9     mean, honestly, because May the 4th, you could see it  
10    all over the whole town. This storm was a storm, and  
11    it rained for two days, 4 inches. And best that I  
12    remember -- now, was there significant stuff in the  
13    middle of the night that made this storm do damage? I  
14    don't know. I was at home.

15          Q     Okay. But your personal memory is that May  
16    4, 2020, was a hail event, it sounds like; is that  
17    right?

18          A     Very bad. Yeah.

19          Q     And you were there when that occurred? Was  
20    it during the daytime?

21          A     It was right after quitting time, time to go  
22    home. We all kind of drove into it on our way home.

23          Q     Okay. Was anybody present in the building,  
24    still at work, to your knowledge, on May 4, 2020,

1 during the hailstorm?

2 A No. Not with that one.

3 Q The later event that you recall after the  
4 drought ended -- it may have been August 2020, I don't  
5 want to say that, but -- the later event, was anybody  
6 at work when that happened?

7 A That storm was late afternoon. It started  
8 at, like, lunch and had done its thing and moved on  
9 into the night. We left with, you know, doom and  
10 gloom outside. Yeah. I remember that. And then it  
11 rained on into eight, nine o'clock that night.

12 Q And when you say it rained, did it have any  
13 hail in it to your knowledge?

14 A From the time, from while I was at work, no.  
15 I live 30 minutes away. I left at four o'clock, and I  
16 know it was raining cats and dogs until I went to bed.  
17 And it's hard for me to say much about the 21st of  
18 August.

19 Q Okay. Going back to Paragraph 10, which  
20 will be on the previous page of Exhibit 2, it says,  
21 "The Insured Premises" -- it sounds like these two  
22 buildings were free from significant deterioration or  
23 preexisting damage and maintenance support as of the  
24 date of this storm, I think, is what the allegation

1 is. Is it your position that the buildings, the two  
2 buildings at your property, had no hail damage on them  
3 before May 4, 2020?

4 A That's my position. Correct. Yeah.

5 Q All right. And it says premises were  
6 maintenance supported; what does that mean?

7 A Maintenance supported, now, my definition of  
8 that is take care of your stuff. So, yes. Has it  
9 been -- everything done? Now, what I do is extremely  
10 violent. You know, it's rough on a building and  
11 tools, but I have to take care of it, you know,  
12 somewhat. But I don't recall anything being left,  
13 neglected. I mean, I've always tried to do my  
14 maintenance to take care of my building, you know, the  
15 best I can.

16 Q Okay. That's fair. Specifically with  
17 regard to the roof on both the big building and what  
18 we'll call the smaller building in the back, had the  
19 J&S Welding employees done any work to make repairs to  
20 the roofs since you've owned it in 2013 prior to this  
21 May 2020 --

22 A Me and my employees, no. I mean, we ain't  
23 roofers. I've had people, you know, check it every  
24 five years just to see what, you know, it may need,

1 something wrong or if we tear something up ourselves,  
2 you know, we try to face it, or we do. I mean, or get  
3 somebody to help us. It's just when you go up there,  
4 it's not our thing.

5 Q I understand.

6 A Yeah. We're always doing maintenance around  
7 there to keep everything working.

8 Q In that regard, have you -- since you've  
9 owned this in December 2013, have you had anyone  
10 replace the middle panels on the sides of either of  
11 these buildings due to some sort of damage or event?

12 A No.

13 Q Have you had anyone replace the insulation  
14 on the interior of the structure, either under the  
15 roof or on the siding?

16 A No.

17 Q Let's go to Paragraph 22. It's on page 5 of  
18 10 of the complaint. It reads, "The Insured Premises  
19 were seriously damaged by high winds and hailstorm  
20 compromising the Plaintiff's roofing system, and  
21 siding, allowing moisture infiltration"; do you see  
22 that?

23 A I do.

24 Q Does that accurately describe what happened

1           Q     Does the larger building that experienced  
2     the double digit drips beginning May 4, 2020, does it  
3     still leak today?

4           A     No. It does not.

5           Q     When did it stop leaking?

6           A     When I had the ceiling ceramic-coated.

7           Q     By Shrock, I think it is?

8           A     Yeah. Shrock. Yeah. Acrylic coating,  
9     ceramic. I don't know. Fancy word for glass.

10          Q     Did you hire Shrock or did Mr. Griffin hire  
11     them, to your knowledge?

12          A     I did.

13          Q     How did you find them?

14          A     Well, my customers had several industrial  
15     rental properties here in Jackson and he uses them.  
16     And I was talking to him about the problem and he gave  
17     me his number and I called him and he came and we  
18     discussed and he fixed it. And that was pretty well  
19     all of that.

20          Q     I've been on that roof. I've seen the  
21     product. I'm not a roofing guru, so forgive me.  
22     Ceramic, whatever you want to call it, whatever they  
23     did, did they tell you how long that's supposed to  
24     last?



1       it's Nebraska or Oklahoma or something like that.

2           Q       This gentleman who came down from out of  
3       state, is that who you spoke with after the job was  
4       completed also?

5           A       He's the one I handed the money to. Yeah.

6           Q       Okay. Is it also the gentleman who told you  
7       that the wind had shifted or somehow moved the tin --  
8       I shouldn't say tin -- the metal atop the roof?

9           A       Actually, no. It was -- the guy that told  
10       me that was this local guy that actually came and met  
11       me in the beginning. When my customer gave me the  
12       number, that's the guy he gave me the number to, and  
13       then he set the deal up for them to come and do. They  
14       move around in a large group and just hit a bunch of  
15       them as they go. Kind of the way their business  
16       works.

17          Q       The part I didn't quite understand was  
18       somebody told you they didn't guarantee some seal.  
19       They were going to do the best they could or  
20       something. But was that the general application or  
21       some other part of what they were doing?

22          A       Getting out of my -- I've never walked on  
23       the roof. I couldn't tell you. I mean, I just know  
24       that metal is the word we're using for the tin, and it

1           Q     Individually. Anybody else that you  
2     consider a representative of J&S?

3           A     No.

4           Q     Mr. Griffin maybe, as the public adjuster?

5           A     Yeah. I guess.

6           Q     Anybody else? I mean, you know --

7                     MR. BERKLEY: That's a lot of lawyer  
8     questions now. If he doesn't know, he doesn't know.

9                     THE WITNESS: I'm a welder, man.

10                    MR. NEAL: I don't know what  
11     "Plaintiff's representatives" means, either. That's  
12     why I have to ask the question.

13                    MR. BERKLEY: Let's go off the record.

14                             (Discussion held off the record.)

15                    MR. NEAL: Yeah. We'll go back on.

16     BY MR. NEAL:

17           Q     That's where I'm headed with this. Who has  
18     knowledge, so I can ask them questions and discover  
19     information? You?

20           A     Of what?

21           Q     The damage to your building that relates to  
22     this hail and wind storm.

23           A     It would be me, from hearsay, from William;  
24     you, 'cause you've been on my roof; and the whole crew

1 of people that went up there. There's been people out  
2 at my shop full-time. I do not know who they all are.  
3 That's about it.

4 MR. BERKLEY: Well, you're looking for  
5 rules. You see what I'm saying? You're a material  
6 witness.

7 BY MR. NEAL:

8 Q Drew Agee would be somebody?

9 A He's not been on it since this.

10 Q That's fair. H&H hasn't been on it since  
11 this?

12 A No. Nobody's been on it since then, except  
13 for Shrock, to look at it real quick and to fix it.

14 Q And in the case I had --

15 A William had a guy with him when they'd come  
16 out there at night and took those infrared pictures or  
17 whatever.

18 Q Yeah. And --

19 MR. BERKLEY: Is that --

20 MR. NEAL: I don't know.

21 MR. BERKLEY: You don't know?

22 MR. NEAL: We'll get to that.

23 BY MR. NEAL:

24 Q In the case -- I took the deposition at nine

1       it's still wood, 'cause the panel hasn't been changed  
2       or nothing to fix it in the panel.

3           Q       I've seen some photos of the interior. If I  
4       stepped into your building, it was one or two steps.  
5       But I didn't really walk around the interior. I was  
6       on the outside. Stains or watermarks in the  
7       insulation, do you see that inside the building or no,  
8       right now?

9           A       No. I don't reckon. I mean, 'cause we've  
10      literally had engines explode and throw oil on the  
11      ceiling, it's hard for me to say what's water and  
12      what's not. But if it's drip, drip, drip, and I see  
13      it splashing on the concrete floor, that's a leak to  
14      me.

15          Q       Okay. Has anyone advised you that J&S needs  
16      to have its roof replaced atop the big building?

17          A       It's been mentioned. And maybe it was  
18      William that said, "Fix it. Fix it right, and get the  
19      dents all out and get all the metal to where it lays  
20      back down and doesn't cause this water to come in.  
21      It's going to have to be replaced." Nobody else has  
22      looked at it, I mean, other than the guys that fixed  
23      it, and they weren't going to tell me that 'cause they  
24      wanted to do what they wanted to do.

1           Q     If these insurance proceeds are paid, would  
2     you replace the roof or would you leave it as it is  
3     with this sealant applied?

4           A     You asking me if I would? I'm going to  
5     replace it.

6           Q     Have you had anybody other than Mr. Griffin  
7     give you estimates for what it'd cost to replace that  
8     roof?

9           A     No.

10          Q     To your knowledge, would Mr. Griffin himself  
11     or his company be able to replace the roof for you?

12          A     No.

13          Q     Has he told you who he recommends you use to  
14     replace the roof?

15          A     No. He hadn't, and I hadn't asked, and he  
16     didn't offer because I've got so many actual customers  
17     that do that kind of stuff. I would just find the one  
18     I thought best.

19          Q     All right. I'm going back to witnesses who  
20     may have knowledge of either hail damage to your  
21     building or water intrusion in your building following  
22     this hail event and wind event. We've got you, Mr.  
23     Griffin. You named me.

24          A     There's been eight or ten people up there,

1 time.

2 Q To your knowledge, is that roof, the metal  
3 roof that's up there, was it the one that was  
4 installed in '82 and '83?

5 A To the best of my knowledge, from what  
6 investigations I've done, I mean, I ain't going to lie  
7 to him. And I never -- I said I've been there since  
8 2005, and I ain't never seen nobody up there messing  
9 with it.

10 Q And then has anybody told you what the  
11 longevity of one of these roofs is, like, how long a  
12 commercial metal roof is supposed to last?

13 A Well, not about this particular building,  
14 but I have a personal shop that they give me a 40-year  
15 guarantee on the metal and the roof and the screws. I  
16 mean, I thought that was pretty good. That's been  
17 built in the last five years, so, I mean, versus 1982,  
18 I don't know.

19 Q Is that your personal property, this other  
20 shop, not owned by J&S?

21 A Yeah. Yeah. It's in my house.

22 Q Do you have an ownership interest in any  
23 other companies other than J&S? Is that a "No"?

24 A Yeah. No. I didn't have enough brain time

1 for that.

2 Q Going back to this amended notice of  
3 deposition, we're going down to Number 3 now. All  
4 information in support of your allegation in Paragraph  
5 16 to 20 that my client severely undervalued the  
6 claim. We can go back and look at the complaint if  
7 you want to.

8 MR. BERKLEY: You talking about the  
9 complaint?

10 MR. NEAL: Yes, sir.

11 MR. BERKLEY: The lawsuit? You're  
12 talking about Paragraph --

13 MR. NEAL: Yeah. Yes.

14 MR. BERKLEY: Number 16.

15 THE WITNESS: "Damage from wind and  
16 hail are covered perils"? That's where we're at?

17 MR. NEAL: Yes, sir. The next  
18 sentence.

19 THE WITNESS: "Defendants admitted  
20 there was damage but severely undervalued the claim."  
21 I admitted there was damage, but --

22 MR. BERKLEY: No. Defendants is his  
23 client.

24 MR. NEAL: You're the plaintiff.

1 THE WITNESS: Okay. All right.

2 BY MR. NEAL:

3 Q So, let's just start there. "Defendants  
4 admitted there was damage." Are you aware that West  
5 American Insurance Company -- we contend that Liberty  
6 Mutual shouldn't be sued. It was West American  
7 because they're the one that actually issued this  
8 policy.

9 Now, West American and Liberty Mutual are a  
10 part of the same big organization, but West American  
11 is who actually wrote this policy. Are you aware that  
12 West American issued some payments with regard to this  
13 loss? Is that a "Yes"?

14 A That's a yes.

15 Q Did you cash your checks, to your knowledge?

16 A I did. I waited until the time that I  
17 thought was deemed to get permission to from said  
18 William Griffin. And I did, and I used that money to  
19 do the roof.

20 Q The Shrock sealant coating?

21 A Correct.

22 Q Any other things you've done with those  
23 funds to the property itself, like, the roof or  
24 otherwise?



1           A     All of it's back invested in the shop.  
2     Not -- I fixed the roof, and then everyday stuff.

3           Q     You spent the rest; is that --

4           A     I'm sure it's still in the bank account  
5     somewhere.

6           Q     Okay.

7           A     There's money there, but.

8           Q     Then you say they've severely undervalued  
9     the claim; what support does J&S Welding have that my  
10    clients severely undervalued the claim?

11          A     Well, I don't -- I don't know that I'm the  
12    one you're supposed to be asking the question.

13               MR. BERKLEY: I think the answer is he  
14    doesn't really know. That's something that would  
15    be -- that's something that would be better answered  
16    by --

17               THE WITNESS: I didn't set the  
18    processes that are on these quotes; you know what I  
19    mean? So, how do I know if it's undervalued or  
20    overvalued?

21    BY MR. NEAL:

22          Q     Yeah. That's where this gets a little hard  
23    for me. So, I've set the deposition of the company.  
24    And the company's made the allegations. And I'm

## 1 CERTIFICATE OF DEPOSITION OFFICER

2 I, ROBIN LUTTRELL, the officer before whom  
3 the foregoing proceedings were taken, do hereby  
4 certify that any witness(es) in the foregoing  
5 proceedings, prior to testifying, were duly sworn;  
6 that the proceedings were recorded by me and  
7 thereafter reduced to typewriting by a qualified  
8 transcriptionist; that said digital audio recording of  
9 said proceedings are a true and accurate record to the  
10 best of my knowledge, skills, and ability; that I am  
11 neither counsel for, related to, nor employed by any  
12 of the parties to the action in which this was taken;  
13 and, further, that I am not a relative or employee of  
14 any counsel or attorney employed by the parties  
15 hereto, nor financially or otherwise interested in the  
outcome of this action.

16  
17  
18   
19

ROBIN LUTTRELL

20 Certified Reporter in and for the  
State of Tennessee

21 [X] Review of the transcript was requested.  
22  
23  
24

CERTIFICATE OF TRANSCRIBER

I, BRENNA SHEA, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in dark ink, appearing to read "Brenna Shea". The signature is written in a cursive, flowing style.

BRENNA SHEA